

REMARKS/ARGUMENTS

Claims 1-12 and 23 are active. Claims 13-22 have been withdrawn from consideration. New claim 23 finds support in the original claims (see e.g., claim 5) and disclosure which describe the herbicide nicosulfuron and provide basis for its exclusion. No new matter has been added. Favorable consideration of this amendment and allowance of this case are now respectfully requested.

Restriction/Election

The Applicants previously elected with without traverse **Group I**, claims 1-12, directed to a composition comprising an sulfonylurea and an alkoxylated glyceride. The Applicants respectfully request that the claims directed to any non-elected subject matter which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined and allowed upon an indication of allowability for the elected claim, see MPEP 821.04.

Information Disclosure Statement

The information disclosure statements filed 7/06/07 and 2/19/08 were objected to as containing documents published in Russian or Chinese. The Applicants respectfully request consideration of these documents in view of the English language abstracts or concise explanation of their relevance provided herewith.

Rejection—35 U.S.C. §112, second paragraph

Claim 2 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendment above.

Rejection—35 U.S.C. §102

Claims 1-8, 10 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by Yoshida, et al., U.S. Patent No. 5,411,932. This rejection is moot in view of the amendments above. Yoshida, Example 1, discloses a compositions comprising Compound A (nicosulferon), polyoxyethylene hydrogenated castor oil (an alkoxyated glyceride), polyoxyethylene nonylphenyl ether (which is not an alkoxyated glyceride), and polyglycerol esters (not alkoxyated glycerides). The only alkoxyated glyceride/nicosuferon combination of Yoshida has now been excluded from the claims. Moreover, this rejection would not apply to claim 23 which do not contain the nicosulferon of Yoshida composition. Accordingly, this rejection may now be withdrawn since Yoshida does not disclose all the components of the present invention.

Rejection—35 U.S.C. §103(a)

Claims 9 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida, et al., U.S. Patent No. 5,411,932. Yoshida is directed to the combination of Compound A (nicosulferon), polyoxyethylene hydrogenated castor oil (an alkoxyated glyceride), polyoxyethylene nonylphenyl ether (which is not an alkoxyated glyceride), and polyglycerol esters (not alkoxyated glycerides). The alkoxyated glyceride/nicosuferon combination of Yoshida has been expressly excluded from the present claims. Therefore, the prior art does not disclose all the elements of the invention and cannot render it obvious.

Moreover, Yoshida does not suggest the selection of alkoxyated glyceride, apart from all the other surfactants it discloses (see col. 3, lines 47-65), nor provide a reasonable expectation of success for the superior properties of the mixture of the invention which selects an alkoxyated glyceride as shown by Tables 1-18 on pages 47-70. Comparative surfactants like Frigate and Citowett when combined with a herbicidal sulfonylurea not

provide the same degree of herbicidal effect as combinations containing an alkoxylated glyceride. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

Conclusion

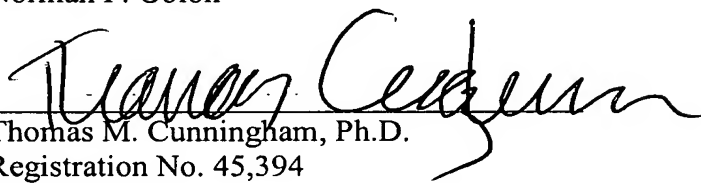
In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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